IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17582 of 2004

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Between:

Jhadi Mallaiah, S/o. Mallaiah,
R/o. Ramakrishnapur, mancherial (M), Adilabad District.

..... PETITIONER

AND

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1 The District Collector, Adilabad District.
2 The Revenue Divisional Officer, Mancherial, Adilabad

District.
3 The Mandal Revenue Officer, Mancherial, Adilabad

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein not furnishing the depositions and the concerned material evidence made by the pattedars in spite of the representations in pursuance of the Proc in Rc.No.G/4202/2003 Dt.5-12-2003 in respect of the agricultural land in Sy.No.330/A to an extent of Ac.3.27 Guntas situated at Garmilla Village of Mancherial Mandal by refusing to implement the Registered Deed No. 4302/3, Dt.30-6-2003 vide Proc. In Rc.No.G/1939/2004, Dt.28-8-2004 as illegal, unjust and arbitrary and as such liable to set aside with a consequential direction to implement the Registered Deed No. 4302/2003.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents. Both have no objection for disposal of the writ petition at the admission stage.

The petitioner claims to have purchased agricultural land to an extent of Acs.3.27 in Sy.No.330/A of Garmilla Village, Mancherial Mandal in the year 1983 under an oral agreement, from the original pattedar, namely, Pullaiah, who is father of Mamidi

Shankaraiah and his four brothers. On the death of the petitioner's original vendor, he obtained a registered sale deed in document No.4302/3, dated 30-6-2003 and approached the Mandal Revenue Officer for recording his name in the Revenue Records in the light of the sale deed. The Mandal Revenue Officer by proceedings dated 20-9-2003 submitted a report to the Revenue Divisional Officer stating that some other persons purchased the said land and the same was implemented in the revenue records. In view of the same the petitioner's name cannot be recorded in the revenue records against the said land. Hence, petitioner made a representation to the Revenue Divisional Officer on 28-5-2004 requesting him to look into the matter personally and to supply the deposition of the original pattedars made in pursuance of the notice Dated 5-12-2003 along with the copies of the documents, if any, submitted by the other claimants. Since the Revenue Divisional Officer did not furnish any copies, and by way of the impugned memo directed the petitioner to approach the civil Court, petitioner filed the present writ petition for issuance of a Writ of Mandamus declaring the action of the respondents in not furnishing the depositions and the concerned material evidence made by the pattedars in respect of the land in Sy.No.330/A to an extent of Acs.3.27 of Garmilla Village of Mancherial Mandal, and refusing to implement the Registered sale deed No.4302/3, dated 30-6-2003 as arbitrary and illegal.

Having regard to the fact that since enquiry is conducted for issuance of pattedar passbooks, and the fact that recording of the names of the parties in the revenue records are public documents, as and when the petitioner files a representation before the Mandal Revenue Officer requesting to furnish copies of the documents, the Mandal Revenue Officer, after collecting usual charges from the petitioner, shall supply the documents required.

With the above direction, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

7th October, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The District Collector, Adilabad District.
2 The Revenue Divisional Officer, Mancherial, Adilabad

District.
3 The Mandal Revenue Officer, Mancherial, Adilabad

District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.